

3. Retirement for Expiration of Time In Class (TIC)

a. Career SFS employees are subject to the following limitations on the maximum time which may be spent in any one class of the SFS:

<u>Class</u>	<u>Time-in-Class Limitation</u>
Career Minister (CM)	4 Years
Minister Counselor (MC)	5 Years (cumulative OC/MC 12 years)
Counselor (OC)	7 Years

These time-in-class (TIC) limitations apply to all career employees from the time they enter a class or attain career status within a class and to SFS employees promoted from one class to the next higher class. For the Minister Counselor (MC) class, there is a 12-year combined TIC for SFS employees promoted from the Counselor (OC) level.

Periods at the OC level during a Limited Career Extension appointment will count against the 12 year cumulative time-in-class period. Therefore, any time remaining on the OC TIC will be added to the 5-year MC TIC, and any period served at the OC level on a Limited Career Extension (LCE) appointment will count against the MC TIC limitation.

Beginning with 1995 promotions, all Officers promoted to the rank of Career Minister (CM) will be guaranteed 16 years of TIC time in the Senior Foreign Service. When employees are promoted from MC to CM, any time remaining on the MC TIC will be added to the 4-year CM TIC, and any period served at the MC level on LCE will count against the CM TIC limitation. For those promoted to CM after serving 5 years on LCE, 4 years will count against the CM TIC limitation. The remaining year in such cases will be considered an LCE and will reduce the maximum time allowable on LCE to 4 years.

***"Therefore, any time remaining on the OC TIC will be added to the 5-year MC TIC;, and any period served at the OC level on a Limited Career Extension (LCE) appointment will count against the MC TIC limitation. Beginning with 1995 promotions, all officers promoted to the rank of Career Minister (CM) will be guaranteed 16 years of TIC time in the Senior Foreign Service. When employees are promoted from MC to CM, any time remaining on the MC TIC will be added to the 4-year CM TIC, and any period served at the MC level on LCE will count against the CM TIC limitation. For those**

promoted to CM after serving 5 years on LCE, 4 years will count against the CM TIC limitation. The remaining year in such cases will be considered an LCE and will reduce the maximum time allowable on LCE to 4 years."

b. Persons at the Minister Counselor rank may exercise a one time irrevocable election to remain under the five year TIC limitation. Such election must be submitted in writing signed by the employee and received by HRDM no later than May 31, 1992.

c. Computing Time in Class

The calculation shall include all periods of career service in the Senior Foreign Service, or equivalent (former FSR-1 or FSR-2), but exclude:

1. a break in service. For the purpose of this regulation, periods during which an employee is either seconded to an inter-national organization or appointed to a position in the executive branch by the President under section 302(b) of the FSA, with reemployment rights to USAID, are not considered a break in service;

2. periods under a competitive service appointment with USAID (career service before or after a competitive service appointment will be counted);

3. periods for which M/HR or IG, as appropriate, has determined that denial of opportunity for promotional consideration has occurred due to inadequate or incorrect performance data or administrative error;

4. absences in nonpay status, specifically leave without pay (LWOP);

5. periods served as AFSA Vice President for USAID, if the employee has elected a time-in-class waiver rather than review by a Selection Board. The TIC waiver may only cover the initial two years of the employee's tenure as AFSA Vice President for USAID. The choice of election must be made in writing to the Chief of M/HR/LRS within 60 days of assuming office.

Approved:
Disapproved:
Date:

4. Limited Career Extensions

a. Section 607(b) of the Act authorizes the Agency to grant appointment extensions to career employees who have reached their maximum TIC. Such limited career extensions (LCEs) may be offered to nonpromoted SFS employees during the last two years of their TIC. LCEs may be granted or renewed by the Administrator, or designee, in accordance with C/Board recommendations and the criteria established below. In making determinations relative to LCEs, the SMRB serves as an advisory panel to the Administrator.

b. Employees eligible for LCEs are reviewed as a group by the C/Board. The C/Board recommends employees for LCEs and ranks them as eligible for a classwide or backstop-specific LCE.

c. The Director, FA/HRDM, shall review the C/Board rankings and determine which employees intend to retire or separate prior to expiration of their TICs within the LCE planning period. Employees who confirm in writing that they will voluntarily retire or separate prior to the LCE planning period will be deleted from the LCE rank-ordered list(s). The Director will also determine for those eligible for LCEs the period of time necessary for the employee to complete his or her present tour.

d. LCEs may be granted by the Administrator or his designee only when the employee has been recommended by the C/Board for such an LCE and either:

(1) The LCE is necessary to allow the employee to complete his/her present tour, provided it is in the Agency's interest to do so. For the purpose of LCEs, overseas tours are defined as two years for one tour posts and four years for all two tour posts and SMG positions. All A.I.D./W assignments are for a three year period. Or

(2) To retain an employee only in connection with a programmatic need of the Agency where a position or assignment has been identified and (i) where there is a demonstrated severe shortage of personnel in the individual's backstop, or (ii) where an activity is being phased out and hiring a new short-term replacement is inappropriate (where there is a temporary critical need an LCE need not be for the duration of an entire tour), or (iii) where there is a critical need for specific skills, expertise and experience for a particular assignment while taking into account the effect any such LCE would have on the need to provide a regular and predictable flow of talent through the ranks and into the SFS.

Except for LCEs granted in accordance with 38K(4)(d)(2) above, SFS officers with one year or less remaining in their TIC/LCE will not be considered for an onward assignment. Such officers will be extended in their present positions to complete their careers.

e. LCEs will be granted on the condition that the recipient complete an assignment or assume a position as provided for in Section 38(K)(4)(d). LCE recipients who do not satisfy this condition will be subject to retirement for expiration of time-in-class.

f. The length of individual LCEs will not exceed 3 years and the combined time in LCE status will not exceed 5 years. Actual duration of the LCE will be determined by the time remaining on the officer's present tour or onward assignment under Section 38K4d(2) above, where applicable. In order to retain an employee whose original LCE is due to expire (including those granted an LCE of less than 3 years), the employee must again be reviewed by the C/Board and the SMRB.

g. Employees not granted an LCE are subject to mandatory retirement under HB 30, Supp. 3A, unless otherwise extended by the Administrator, or designee (see 38K4J). Employees retired for expiration of TIC or nonrenewed LCE are eligible for retirement benefits specified in sec. 609(a) of the Act.

h. Members of the Service serving under such limited career extensions shall continue to be career members of the Service in accordance with Section 607 of the Foreign Service Act of 1980, as amended.

i. The appointments of employees completing the last year of their initial TIC limit or LCE, but who are serving in positions to which they were appointed by the President with the advice and consent of the Senate will be extended until the appointments to such positions are terminated.

j. The Administrator may extend the appointments of career employees whose TIC or LCE expires up to one year if such is determined to be in the public interest (sec. 607(d)(2) of the Act).